

**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 5, 2005. Upon entry of the amendments in this response, claims 1 – 20 are pending. In particular, Applicants have amended claims 1, 2, 5 – 10 and 12, and have added claims 13 – 25. Reconsideration and allowance of the application and pending claims are respectfully requested.

**Claim Rejections - 35 U.S.C. § 102(e)**

The Office Action indicates that claims 1-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Putzolu*. Applicant respectfully traverses the rejection.

In this regard, Applicant has amended claim 1 to recite:

1. A method for communicating a plurality of data sets, said method comprising:  
     segmenting each data set into a plurality of segments;  
     assigning a transmission precedence to each of the  
     segments according to the data set from which it was segmented; and  
     ***transmitting the segments from a first device used for  
     capturing the data sets to a second device used for storing the data sets;  
     wherein at least some lower-precedence segments are  
     transmitted during idle transmission time between higher-precedence  
     segments.***

(Emphasis Added).

Applicant respectfully asserts that *Putzolu* is legally deficient for the purpose of anticipating claim 1. Specifically, Applicant respectfully asserts that *Putzolu* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 1. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance.

Since claims 2 - 4 are dependent claims that incorporate all the features/limitations of claim 1, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

With respect to claim 5, that claim has been amended to recite:

5. A system for communicating a plurality of data sets, said system comprising:
- means for segmenting each data set into a plurality of segments;
  - means for assigning a transmission precedence to each of the segments according to the data set from which it was segmented; and
  - means for transmitting the segments in order of the assigned precedence from a first device used for capturing the data sets to a second device used for storing the data sets such that at least some lower-precedence segments are transmitted during idle transmission-time between higher-precedence segments.***

(Emphasis Added).

Applicant respectfully asserts that *Putzolu* is legally deficient for the purpose of anticipating claim 5. Specifically, Applicant respectfully asserts that *Putzolu* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 5. Therefore, Applicant respectfully asserts that claim 5 is in condition for allowance.

Since claims 6 - 8 are dependent claims that incorporate all the features/limitations of claim 5, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

With respect to claim 9, that claim has been amended to recite:

9. A computer readable medium for communicating a plurality of data sets, said computer readable medium comprising:
- logic configured to segment each data set into a plurality of segments;
  - logic configured to assign a transmission precedence to each of the segments according to the data set from which it was segmented; and
  - logic configured to transmit the segments in order of the assigned precedence to a device operative to store the data sets such that at least some lower-precedence ones of the segments are transmitted to the device during idle transmission time between higher-precedence segments.***

(Emphasis Added).

Applicant respectfully asserts that *Putzolu* is legally deficient for the purpose of anticipating claim 9. Specifically, Applicant respectfully asserts that *Putzolu* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 9. Therefore, Applicant respectfully asserts that claim 9 is in condition for allowance.

Since claims 10 - 12 are dependent claims that incorporate all the features/limitations of claim 9, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

#### **Newly Added Claims**

Upon entry of the amendments in this response, Applicant has added new claims 13 – 25. Applicant respectfully asserts that these claims are in condition for allowance. In particular, claims 13 - 17 are dependent claims that incorporate all the features/limitations of claim 1, the allowability of which is described above. Additionally, claims 18 and 19 are dependent claims that incorporate all the features/limitations of claim 5, the allowability of which is described above. Further, claim 20 is a dependent claim that incorporates all the features/limitations of claim 9, the allowability of which is described above.

With respect to claim 21, that claim is an independent claim that recites:

21. A system for communicating a plurality of data sets, comprising:
- a first device* operative to segment each data set into a plurality of segments, assign a transmission precedence to each of the segments, and transmit the segments in a manner corresponding to the assigned precedence; and
  - a second device* having a memory operative to store the segments received from the first device;
  - wherein, responsive to determining that the memory of the second device cannot currently store additional high-precedence data*

*segments, the first device is operative to transmit lower-precedence segments to the second device.*

(Emphasis Added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 21 unpatentable. Specifically, Applicant respectfully asserts that the cited art does not teach or reasonably suggest at least the features/limitations emphasized above in claim 21. Therefore, Applicant respectfully asserts that claim 21 is in condition for allowance.

Since claims 22 - 25 are dependent claims that incorporate all the features/limitations of claim 21, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features that can serve as an independent basis for patentability.

**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

**CONCLUSION**

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



---

M. Paul Qualey, Jr.  
Registration No. 43,024

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500